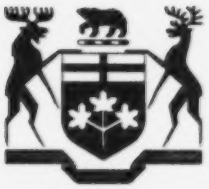

ONTARIO RENTAL HOUSING TRIBUNAL

ANNUAL REPORT 2002-2003

106-03415/

Minister of Municipal Affairs and Housing

Minister Responsible for Seniors

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel. (416) 585-7000
Fax (416) 585-6470
www.mah.gov.on.ca

Ministre des Affaires municipales et du Logement

Ministre délégué aux Affaires des personnes âgées

777, rue Bay, 17e étage
Toronto ON M5G 2E5
Tél. (416) 585-7000
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www.mah.gov.on.ca

Ontario

TO THE LIEUTENANT GOVERNOR
OF THE PROVINCE OF ONTARIO

MAY IT PLEASE YOUR HONOUR:

For the information of Your Honour and the Legislative Assembly, we have the privilege of presenting the Annual Report of the Ontario Rental Housing Tribunal for the 2002-2003 fiscal year.

Respectfully submitted,

Hon. John Gerretsen
Minister of Municipal Affairs and Housing

Ontario Rental Housing Tribunal

Office of the Chair

777 Bay Street, 12th Floor
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Telephone: (416) 585-7295
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Tribunal du logement de l'Ontario

Bureau de la présidente

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Ontario

TO THE HONOURABLE JOHN GERRETSEN
MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

MINISTER:

I have the honour to submit the Ontario Rental Housing Tribunal's Annual Report for the 2002-2003 fiscal year.

Respectfully submitted,

Beverly Moore
Interim Chair
Ontario Rental Housing Tribunal

Ontario Rental Housing Tribunal

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Ontario

Chair's Message

This is the fifth Annual Report of the Ontario Rental Housing Tribunal. Our Annual Reports coincide with the government's fiscal year; therefore, this Report will cover the period from April 1, 2002 to March 31, 2003.

Partnered with the Ministry of Consumer and Business Services, the Tribunal moved forward on an alternative service delivery strategy. The Tribunal has benefited through the affiliation with a service network that understands how government is organized and how it operates. The overall working relationships have been extremely positive for both organizations and for the public as well.

The Tribunal continues to win awards for its virtual call centre. Specifically, the Tribunal is the proud recipient of the Public Quality Fair 2002 Certificate of Excellence gold level; Showcase Ontario Award of Excellence 2002; and the most prestigious 2002 Amethyst award. In addition the Tribunal received recognition by the Premier and Secretary of Cabinet for significant contributions to OPS excellence and innovation.

The Tribunal has further enhanced its high quality of service by redesigning the website to meet the requirements of the *Ontarians with Disabilities Act, 2001*. Clients with a disability or visual impairment will notice an immediate improvement. The Tribunal will further enhance its high quality of customer service by introducing electronic filing capabilities in the near future.

Members have been active in training sessions both in-house and externally through the Society of Ontario Adjudicators and Regulators. All members have been trained thoroughly on the amendments to the *Tenant Protection Act, 1997* as the result of the *Government Efficiency Act, 2001*.

Sincerely,

Beverly Moore

Beverly Moore, Interim Chair
Ontario Rental Housing Tribunal

THE TENANT PROTECTION ACT

The *Tenant Protection Act, 1997, (TPA),* was proclaimed on June 17, 1998.

The four primary objectives of the TPA are:

- To simplify the relationship between landlords and tenants
- To balance the needs of landlords and tenants
- To create an efficient process that deals with disputes quickly
- To create a cost-efficient process

The *Tenant Protection Act* provides a one-window service to landlords and tenants and offers a timely method for the resolution of disputes between landlords and tenants.

During this fiscal year, the TPA was amended by the Government Efficiency Act, 2001, with amendments taking effect on October 7, 2002. Many of the amendments clarify existing rules in the TPA, while other amendments have added new rights for landlords or tenants and change how the law applies.

Some of the amendments include:

- A prospective tenant can apply for a rebate if they paid a rent deposit for a unit, but the landlord never let them move in, and did not return the deposit. As a result of the amendment, it is also now an offence for the landlord to fail to return the deposit.
- It is now an offence if the landlord fails to allow an evicted tenant to reclaim their property within 48 hours, as required by the TPA.
- Landlords can claim NSF fees and related administration charges on applications for arrears.
- Landlords can claim arrears and NSF fees, and related administration charges, on an application to terminate a tenancy and evict a tenant where the tenant failed to comply with certain terms of an order or a mediated settlement.

- A landlord is entitled to and can apply for compensation from an overholding tenant who has terminated their tenancy by agreement with the landlord, or an unauthorized occupant who is being evicted.
- The Tribunal will have to apply the rules set out in a new regulation when deciding a tenant's application claiming that the landlord interfered with their reasonable enjoyment while doing maintenance, repairs or capital improvements at the complex. As well, the TPA has been amended to clarify that the offence provisions for harassment and interfering with reasonable enjoyment may not apply when the tenant's complaint is related to maintenance, repairs or capital improvements.
- The amendments have also given the Tribunal more flexibility in severing applications and conducting written hearings.

THE ROLE OF THE ONTARIO RENTAL HOUSING TRIBUNAL

The role of the Tribunal is to:

- Resolve tenant and landlord disputes through either adjudication or mediation
- Determine legal above guideline rent increases with respect to residential units
- Provide landlords and tenants with information about their rights and obligations

The Tribunal focuses solely on residential rental accommodation issues and offers a process that is more efficient than previous systems for resolving landlord and tenant matters.

The Adjudication Process

The Tribunal was designed to create a more informal environment for the resolution of disputes between landlords and tenants. Under the adjudication process:

- Disputes are heard in public buildings rather than courtrooms
- Tenants may choose to represent themselves and may consult an on-site legal aid representative
- The more conciliatory approach of mediation is encouraged before the hearing process begins or on the day of the hearing if the adjudicator feels that the matter lends itself to mediation
- The Tribunal's adjudicators are highly qualified professionals who have both the experience and the knowledge to deal quickly and fairly with the issues. Adjudicators are appointed to the Tribunal after undergoing a rigorous and competitive interview and selection process.

Adjudicators from across the province meet formally twice a year to discuss issues. They also meet more frequently and informally in their regions. Many of them sit on committees and working groups such as the Rules and Guidelines Committee, groups to review the format of orders and other groups that gather opinions on specific issues. Members' meetings also contain elements of training such as conduct of a hearing, natural justice, and amendments to the TPA and to other relevant legislation such as the *Statutory Powers Procedure Act*.

The Mediation Process

Mediation is offered under the Tribunal's legislation. It is often used to clarify issues and reduce areas of dispute so that the hearing may proceed more expeditiously. Mediated settlements are more flexible in their content than Tribunal orders. This often assists parties in reaching a satisfactory conclusion to their difficulties. Mediators use both their knowledge of rent regulation and their negotiation skills to assist landlords and tenants in resolving their applications and their concerns.

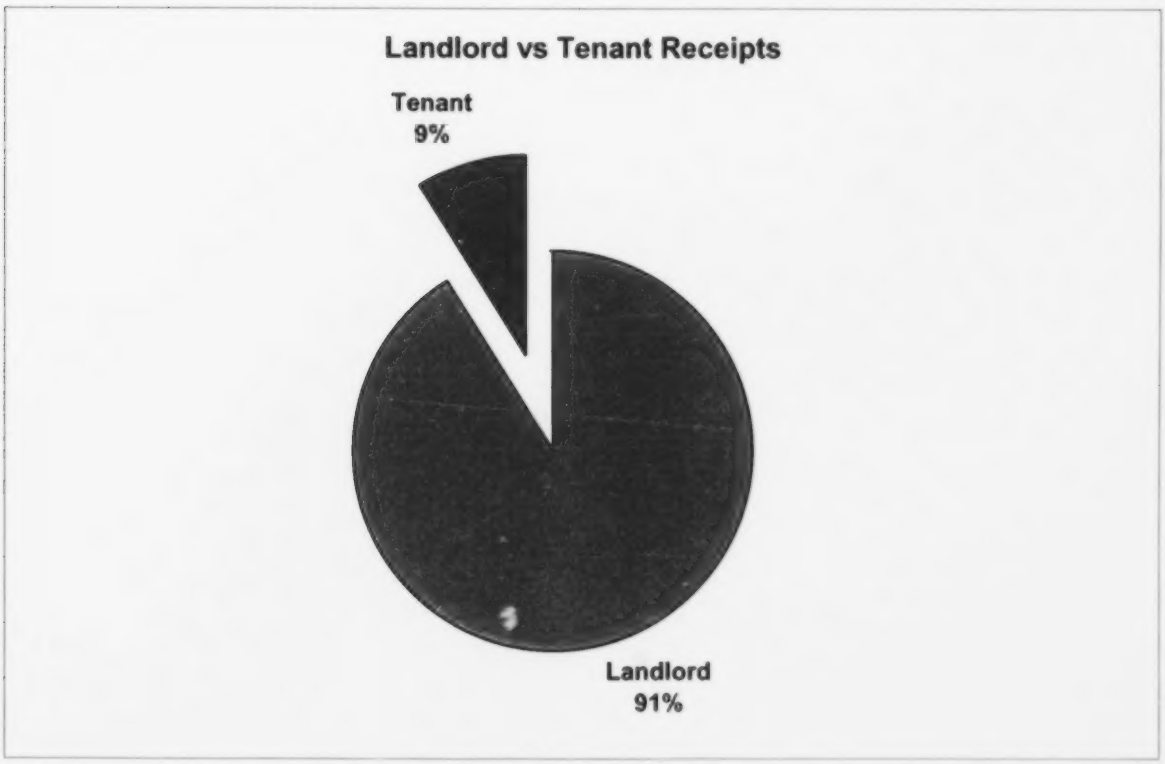
During the fiscal year of 2002/2003, approximately 14.4 per cent of the Tribunal's applications were successfully mediated. This is up from 13 percent last year. More difficult to quantify is the benefit of resolving only some of the issues in an application. Although these applications still have to be heard, the hearing takes a much shorter time because many of the issues have already been resolved through mediation. We are trying to focus our mediation on the more complex applications. Many tenant applications benefit greatly from mediation and we concentrate much of our resources on these. We have had success in mediating Above Guideline Increase applications, which saves all parties lengthy hearings and provides a quicker resolution of the issues.

Statistical Information for the Fiscal Year 2002-2003

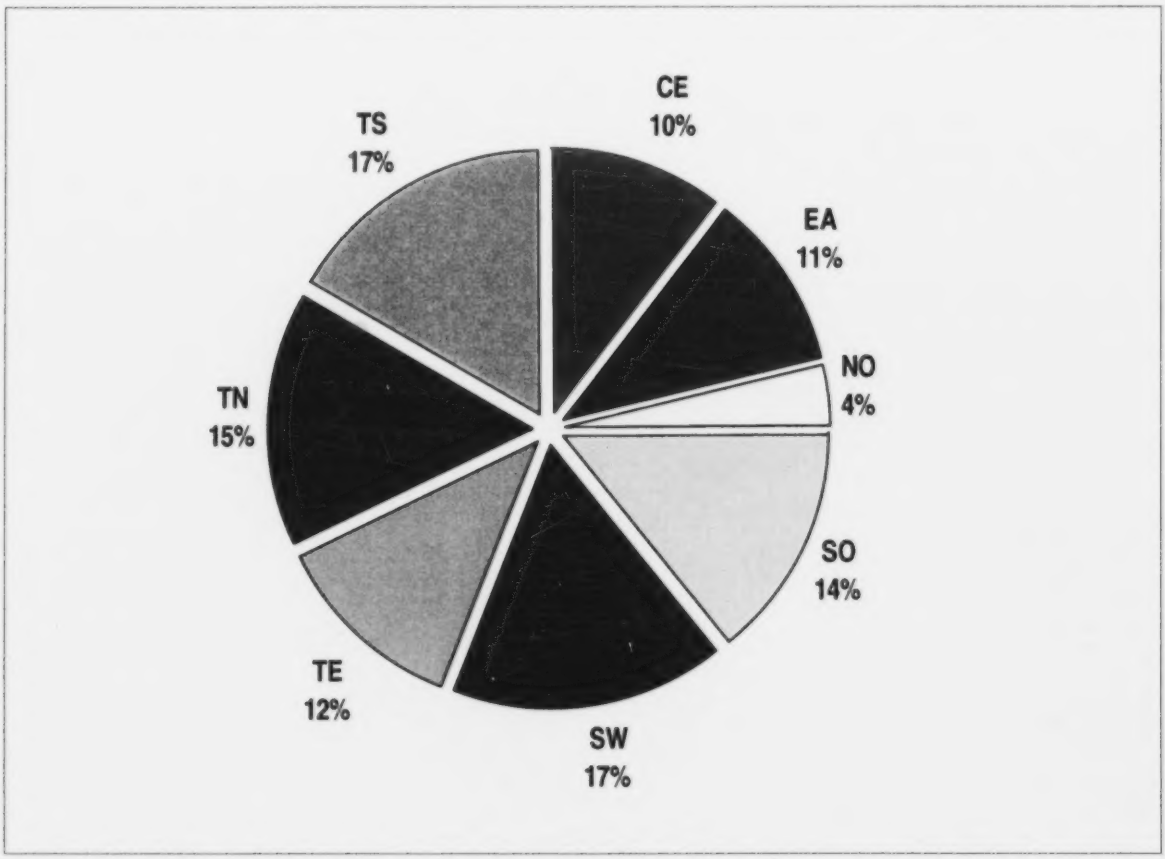
Applications

During the 2002-2003 fiscal year, the Tribunal received 68,118 applications and resolved 68,505. (Because the Tribunal resolves re-opened mediation and set-asides, some applications may generate more than one resolution.) At the end of the fiscal year, 6314 applications were still in progress.

The distribution of application receipts for the 2002-2003 fiscal year remains unchanged from the last fiscal period and are in the following profile:



The regional distribution of applications is as follows:



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Eviction applications have been in the majority since the Tribunal began in 1998. This year, the trend has continued. Of the total applications received by the Tribunal, 71.70 per cent were for termination of tenancies because of arrears of rent. This is slightly up from 69.5 per cent last year. Tenant applications accounted for 9.48 per cent of the applications filed during this fiscal year. This is up from 8.54 per cent last year.

Above Guideline Rent Increase Applications

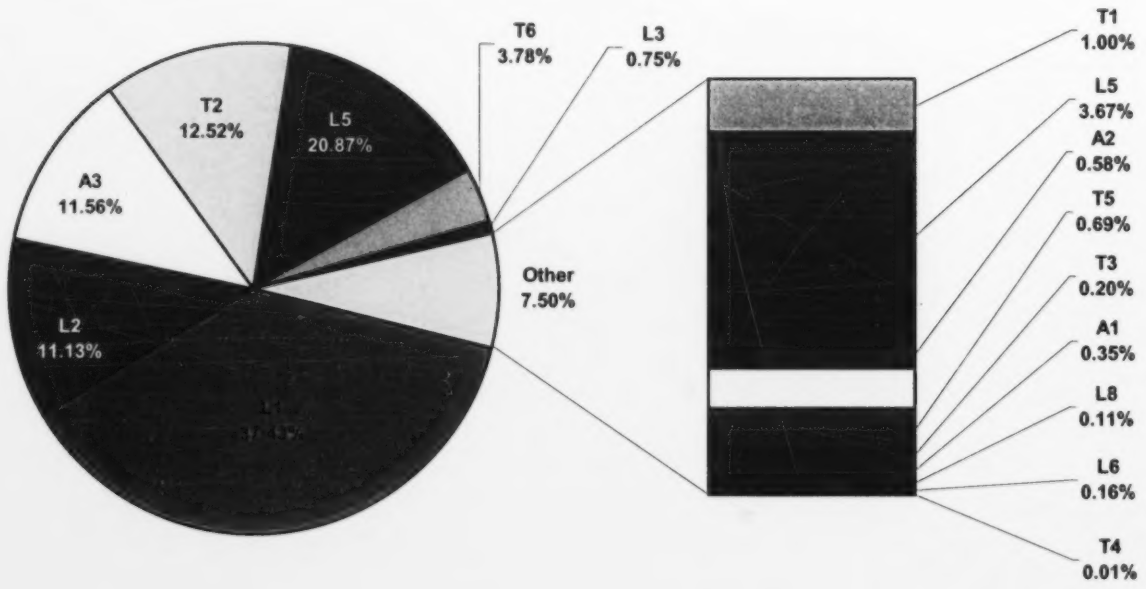
An average of 251 applications for above guideline rent increases were received each year under the *Rent Control Act*. During the first year of Tribunal operations, 887 applications for above guideline rent increases were received. In the fiscal year 2000-2001, 608 applications were received. During this fiscal year, only 471 above guideline rent increase applications were received, a substantial decrease from last fiscal year 2001-2002, where the Tribunal received 1608. Last year's increase in above guideline rent increase application receipts was mainly the result of landlords experiencing an extraordinary increase in the cost of utilities, specifically a spike in gas prices.

Although the Tribunal received approximately 30 per cent fewer above guideline rent increase applications in comparison to the previous fiscal period, these applications continue to take a disproportionate amount of time both for adjudicators and staff. These applications make up less than 1 per cent of the total applications received, and account for 20.87 per cent of the Tribunal's time.

Mediation is helping us with this workload, although we continue to look for other ways to increase our efficiency and speed up the resolution process.

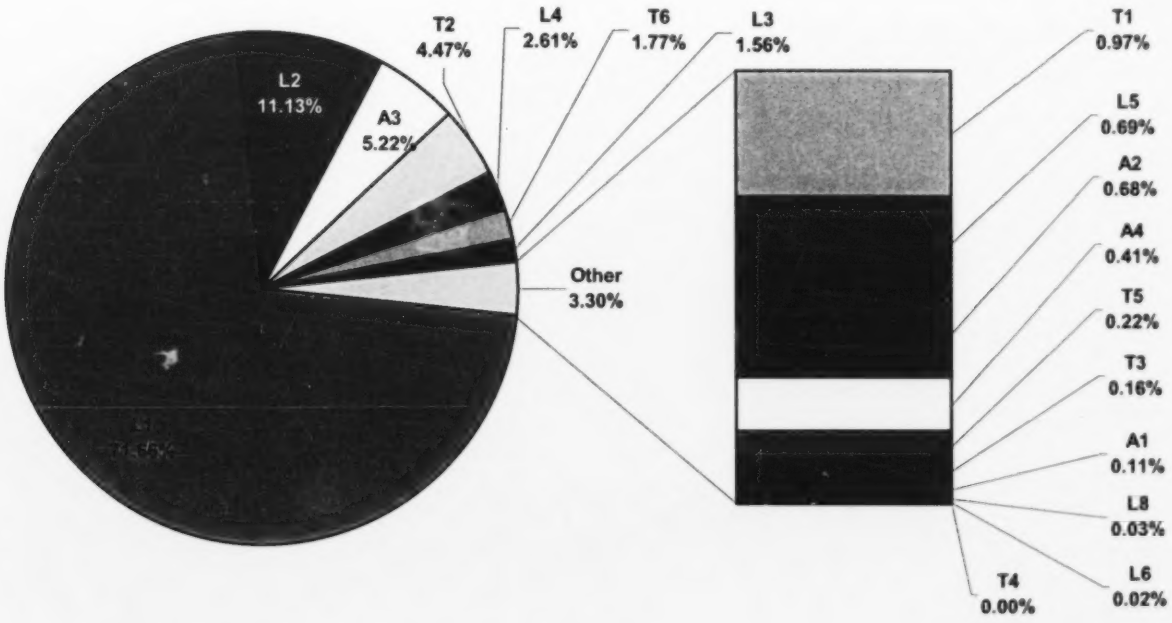
The charts on the following two pages show the distribution of the Tribunal's workload, by type of application and disposition method (default or hearing), as well as a distribution of application type by hearing time.

Workload for Fiscal 2002/2003
Distribution of Hearing Time



Case Type		# Cases	# Defaults	# Hearings	Time/Hear (minutes)	Time/Hear (minutes)
L1	L1 - Termination & Non-Payment of Rent	48,816	26,766	19,181	20	383,620
L2	L2 - Terminate Tenancy & Evict	6,412	1,257	4,107	30	123,210
A3	A3 - Combined Application	3,558	530	2,632	45	118,440
T2	T2 - Tenant Rights	3,043	5	2,138	60	128,280
L4	L4 - Terminate Tenancy: Failed Settlement	1,775	1,512	617	240	148,080
T6	T6 - Maintenance	1,205	0	861	45	38,745
L3	L3 - Termination: Tenant Gave Notice	1,062	839	383	20	7,660
T1	T1 - Rebate	661	36	514	20	10,280
L5	L5 - Rent Increase Above Guideline	471	1	1,253	30	37,590
A2	A2 - Sublet or Assignment	465	62	199	30	5,970
A4	A4 - Vary Rent Reduction Amount	279	8	248	30	7,440
T5	T5 - Bad Faith Notice of Termination	149	0	118	60	7,080
T3	T3 - Rent Reduction	110	0	70	30	2,100
A1	A1 - Determine Whether Act Applies	74	0	60	60	3,600
L8	L8 - Tenant Changed Locks	23	0	18	60	1,080
L6	L6 - Review of Provincial Work Order	12	0	14	120	1,680
T4	T4 - Failed Rent Increase Above Guideline	3	0	1	60	60
		68,118	**31,016**	**32,414**		**1,024,915**

Workload for Fiscal 2002/2003
Distribution of Application Receipts



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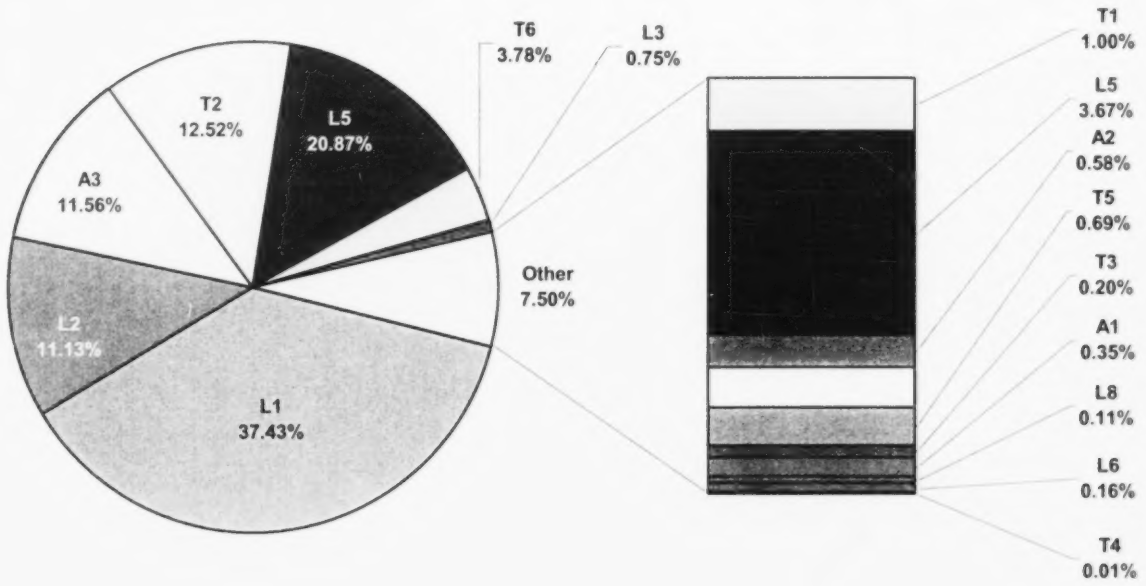

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Workload for Fiscal 2002/2003
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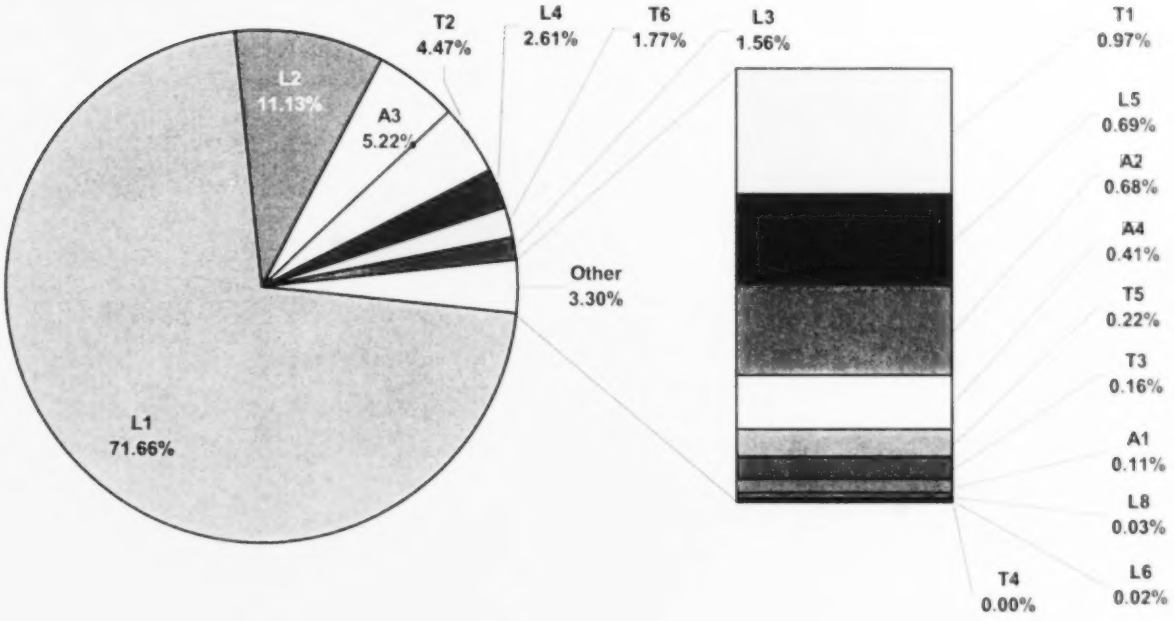

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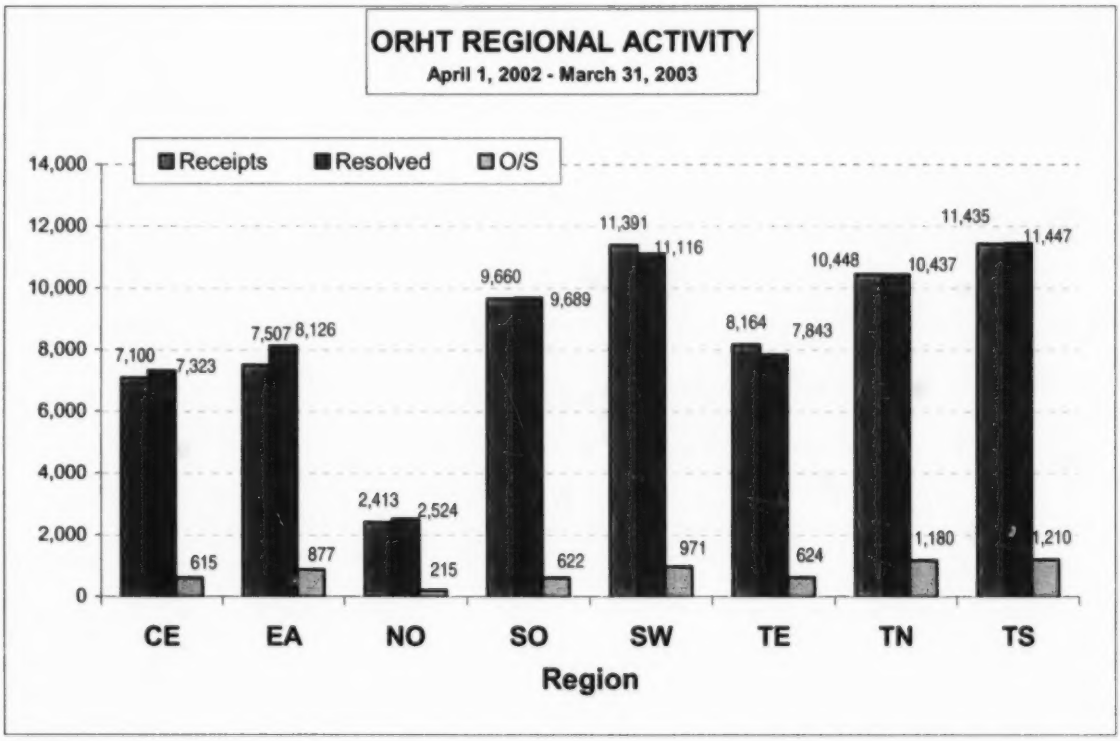
Application Resolution

The Tribunal has been successful in resolving applications quickly. On average, the Tribunal maintains only one month's receipts as open files. Most orders are issued within 20 days of filing the application and even more complex orders are issued with 25 days.

The chart below indicates that receipts and resolutions remained constant during the year.



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Tribunal Locations

The Ontario Rental Housing Tribunal has eight regional offices and nine client service offices across the province where landlords and tenants can file applications, have their questions answered by a customer service representative, and attend hearings.

Most of the Tribunal's hearings are held in its regional offices located in the following areas:

- London
- Hamilton
- Mississauga
- Toronto South (Downtown area)
- Toronto North (North York area)
- Toronto East (Scarborough area)
- Ottawa
- Sudbury

In addition, hearings are also held in the client service office in Windsor.

Alternative Service Delivery

In October 2002, the Ontario Rental Housing Tribunal took initial steps towards implementing a recommendation originating from the operational review of the Tribunal conducted in 2000. The Tribunal, in partnership with the Ministry of Consumer and Business Services, moved forward on an alternative service delivery strategy. In the past, the Tribunal had a network of document filing centres across the province where tenants or landlords could file their applications and pick up information about the Tribunal. These filing centres run by private issuers handled other government documents in more remote areas of the province. The alternative service delivery strategy involved the transfer of application intake service from these low volume document filing centres to Government Information Centres; co-locating busy Tribunal Client Service Offices with Government Information Centres in the form of a service collaboration; and closure of low volume Tribunal Client Services Offices.

The overall working relationships have been extremely positive for the organizations and for the public as well. The Ontario Rental Housing Tribunal has benefited through the affiliation with a service network that understands how government is organized and how it operates. This has ensured that service levels and the provision of information to the public are consistent among all offices. Essentially, the successful integration of these operations benefits from the fact that the organizations are working towards a similar set of high level business goals: the achievement of providing the public with convenient access to government services and information.

At Ontario Rental Housing Tribunal/Government Information Centre Co-locations, landlords and tenants can file applications, and have their questions answered by a customer service representative. The co-locations are located in the following areas:

Barrie	Kingston
Kitchener	Owen Sound
Peterborough	St. Catharines
Thunder Bay	Whitby

At Government Information Centres, landlords and tenants can file applications and supporting documents. Staff of these centres cannot answer questions about the rights and obligations of tenants and landlords under the *Tenant Protection Act;* they can, however, accept applications on behalf of the Tribunal and provide access to information pamphlets and application forms. The Tribunal uses the services of the following Government Information Centres:

Atikokan	Aurora	Bancroft	Barrie
Belleville	Blind River	Brampton	Brockville
Chapleau	Chatham	Cochrane	Cornwall
Dryden	Elliot Lake	Espanola	Fort Frances
Geraldton	Gore Bay	Guelph	Hawkesbury
Hearst	Huntsville	Ignace	Kapuskasing
Kenora	Kingston	Kirkland Lake	Kitchner
Lindsay	Marathon	Minden	Moosonee
New Liskeard	Nipigon	North Bay	Owen Sound
Parry Sound	Pembroke	Peterborough	Red Lake
Renfrew	Sarnia	Sault Ste. Marie	Simcoe
Sioux Lookout	St. Catharines	Stratford	Thunder Bay
Timmins	Whitby		

Call Centre

The Tribunal has a virtual call centre for handling customer inquiries. There is a toll-free number for callers who live outside Toronto (1-888-332-3234); and, in the Greater Toronto area the number is 416-645-8080. Customer service representatives are available during normal business hours. An extensive telephone script answers frequently asked questions 24 hours a day, 7 days per week. This year, the Tribunal responded to approximately 700,000 telephone calls. After hours and on weekends, a toll-free number is also available for faxing time sensitive documents and for ordering any of the Tribunal's public education brochures. These brochures are available in English and French. Selected brochures on the most important topics are available in seven other languages: Portuguese, Italian, Chinese, Punjabi, Polish, Tamil and Spanish.

Members of the Ontario Rental Housing Tribunal's Virtual Call Centre Team are the proud recipients of the Public Service Quality Fair 2002 Certificate of Excellence, gold level; Showcase Ontario Award of Excellence 2002; and the 2002 Amethyst award. In addition, Diana Macri, Director of Operations received recognition by the Premier and Secretary of Cabinet for significant contributions to OPS excellence and innovation.

As a result of the call centre transformation, the Tribunal was able to handle an increased volume of calls and helped issues get resolved fairly and quickly. Many provincial agencies, private sector companies and government agencies from other ministries now visit the call centre, which is considered a best practice. Recently, the OPS Ideas Campaign and the MAH Public Consultation Committee have called upon the Ontario Rental Housing Tribunal call centre to fulfill their needs for a state-of-the-art and efficient call centre.

E-government

This year, the redesign of the Ontario Rental Housing Tribunal website made it easier and faster for clients to find information. The website has been modified to ensure that it meets the requirements of the *Ontarians with Disabilities Act, 2001.* Making our website more accessible is an important way to ensure the total accessibility of our information to all of our clients. The Tribunal will further enhance its high quality service for clients by introducing electronic filing capabilities. This innovation would give landlords and tenants another way to file applications under the *Tenant Protection Act.*

The Tribunal's website (www.orht.gov.on.ca) is visited almost one million times each month. Clients can find information about the progress of their application, the date of the hearing and whether an order has been issued. As well, all Tribunal forms are available on the website and through each regional and client service office.

Information Sharing

The Ontario Rental Housing Tribunal, on behalf of the Ministry of Municipal Affairs and Housing, hosted a three-day conference in October of rent regulators and tenant bureau representatives from across Canada. Held every five years, the conference focuses on the exchange of information on common experiences and problems, their resolutions, and how each province tackles difficulties they encounter. The conference included such topics as mediation, enforcement, balancing workload pressures and the whole realm of public education. Information and knowledge sharing is the basis of valuable learning and program advancement. Such conferences set the stage for constant dialogue with our provincial counterparts.

ORDER SUMMARIES

Tenant Application **Sections 34 & 35**
Landlord Application **Section 69**

The tenants applied for an order determining that the landlord had withheld a vital service and had failed to repair or maintain the rental unit. At the hearing location, just prior to the hearing, the landlord served the tenants with an application to terminate the tenancy because the tenants damaged the rental unit.

At the hearing, the landlord asked for, and was granted, permission to have both applications heard together. The tenants were given 20 minutes to prepare a response to the landlord's application. The initial order dismissed the tenants' application, found that the tenants caused the damage to the rental unit and required them to pay a substantial amount for the repair costs.

The tenants asked for a review of the order on the basis that they were denied natural justice because they were not asked whether they consented to the landlord's application being heard that day, nor were they asked to provide any submissions on the issue. The reviewing member agreed that there was a denial of natural justice, and a serious error in the initial order. Both applications were heard anew. The member dismissed the landlord's application on the basis that the landlord failed to prove the damage was caused by the tenant. The tenants received a modest abatement for some of the repair issues, but the member found that the tenants failed to prove other claims made in their application.

Landlord Application **Section 69**
Tenant Application **Sections 34 & 35**

The landlords applied to terminate the tenancy and evict the tenant because they required possession of the unit for their own use. The tenants applied on various grounds, including failure to comply with health, safety, housing or maintenance standards.

Shortly after the tenants moved in, they complained about the maintenance standards and water quality in the rental unit. A work order was issued that required a variety of repairs, and

also that the water supply and quality be brought up to standard (water testing showed significant evidence of bacterial contamination). Soon after the work order was issued, the landlord served a notice of termination for personal use which was the basis of the application. Evidence was presented at the hearing that the landlords had been discussing how to "get rid" of the tenants before serving this notice of termination. After serving this notice, but before the landlords filed, the landlords' house burned down. Fearing their application might not succeed, the landlords served a subsequent notice of termination, also based on personal use, that was the basis for application. In the meantime, the tenants had filed an application based on the water quality issues, among others.

The member determined that at the time the landlords served the first notice of termination, they did not have a genuine intention to occupy the rental unit. However, by the time they filed their application, their intention to occupy the unit was genuine (their house had by then burned down). The landlords submitted that the member should consider their intention at the time the application was filed, not their intention at the time the notice was served. The member disagreed, and dismissed the application on the basis that the notice of termination was given in bad faith.

The member determined that the landlords' intention to occupy the rental unit was genuine at the time they served the second notice of termination. However, the member also considered whether the landlords' application should be refused under section 84 because of a serious breach of the landlords' obligations under the Act (the tenants had no potable water for several months). The member determined that subsection 84(2) requires the Tribunal to consider whether a serious breach exists at the time of the hearing and that although this breach had not been remedied at the time the landlords' application was filed, it had been remedied by the time the hearing was held. As such, the member granted termination of tenancy, but delayed the eviction for a considerable period of time. The member also awarded an abatement of rent on the tenants' application because of the problems with water quality.

Tenant Application **Subsection 7(2)**

The tenants of a mobile home park applied to determine whether the sites they leased are covered by the *Tenant Protection Act*.

The park is located on Indian reserve lands. One of the main arguments put forth was that the landlord was in fact a corporation, and that a corporation operating on an Indian reserve should be considered exempt from the provisions of the *Indian Act*. The member considered whether the landlord was a corporation, or whether the landlords were four individuals. Each of the individuals had been issued Certificates of Possession for an undivided one-quarter interest in the land used for the park.

The member determined that although the four individuals referred to above had jointly registered a corporation, they had never transferred their interests in the land used for the park to the corporation. The corporation never held any interest in real property, including any interest in the Certificates of Possession for the mobile home park lands. The tenants did not make their rent payments to the corporation. The transfer of property rights to the corporation would have required a Band Council Resolution and a permit under the *Indian Act*, and this permission was never sought. The member considered the real substance of the activities related to the residential complex pursuant to section 188 of the *Tenant Protection Act*, and determined that the landlords were the four individuals and not the corporation.

Because the member found that the landlords were individuals, it was not necessary to consider the applicability of the *Tenant Protection Act* to a corporation operating on an Indian reserve. The member found that tenancy agreements for the mobile home park sites were between the landlords, who were Indian band members, and the tenants, who were not. The member determined that on the facts of this case, the *Tenant Protection Act* does not apply to the mobile home park leases in question.

Landlord Application **Section 81**

The tenant of the rental unit had died, after which her daughter continued to occupy the rental unit. The daughter was not a tenant on the lease and the landlord filed the application to have her evicted as an unauthorized occupant.

The tenant's daughter submitted at the hearing that as the definition of tenant in section 1 of the Act includes heirs, she meets the definition of tenant and should be allowed to retain possession of the rental unit.

The member considered the definition of tenant in section 1 of the Act, which states that a tenant includes a person who pays rent in return for the right to occupy a rental unit and includes the tenant's heirs. The member also considered that the definition of heir in Black's Law Dictionary includes one who inherits property, whether real or personal. The member determined that a tenant's heir does not simply step into the shoes of the tenant with respect to the occupancy of the rental unit. The member also found that no arguments were presented that a tenancy could be considered real or personal property, in other words, something that could be inherited. The member found that "heir" was included in the definition of tenant so that the estate could perform such activities as recovering the rent deposit. The member found that the tenant's daughter could not be considered a tenant of the rental unit by virtue of being an heir to the deceased tenant, and ordered that the tenant's daughter be evicted.

Landlord Application **Section 69**

The landlords filed an application to terminate the tenancy and evict the tenant because they required possession of the rental unit.

The person intending to move into the rental unit was the father of one of the landlords. He had recently separated and sold his home. The member was satisfied that the father in good faith intended to move into the rental unit. The tenant, however, argued that the adjudicator should apply section 84 in the circumstances, as termination of the tenancy would create a real hardship for her. The tenant had lived in the unit for 18 years and had a medical condition and a limited income that would make finding alternate accommodation very difficult. She submitted that her particular unit was chosen because she pays the lowest rent and because there are ill feelings between her and the landlords.

The member found that, having regard to all the circumstances of this application, including the extreme length of the tenant's occupation of the unit, and the availability of three other units in the complex, it was fair to refuse the application, and refused to terminate the tenancy pursuant to section 84 of the TPA.

Landlord Application **Section 69**

The landlord applied to terminate the tenancy because the tenants caused damage to the rental unit and had substantially interfered with other tenants' reasonable enjoyment of the residential complex or substantially interfered with a lawful right, privilege or interest of the landlord or another tenant. The landlord gave this notice because the tenants had installed a satellite dish without permission.

In this situation, the satellite dish was safely installed on the tenants' rear patio and was mostly obscured from view by the surrounding fence. The wires that run from the dish to the receiver inside the rental unit were fed through a pipe that pre-existed the satellite installation.

The notice of termination was based on damage to the rental unit, but, the member found there was no evidence that the installation of the satellite dish damaged the unit in any way. The landlord submitted that the satellite dish contravened its rules and regulations; however, these rules deal with alterations and fixtures, and the member found that the dish was not a fixture. The landlord referred the member to other Tribunal decisions wherein members required tenants to remove satellite dishes, but the member found that those cases were distinguishable from the facts of this case as this tenant did not affix the dish to the building, or create a hole in the outside of the building to feed the wires through. The landlord further submitted that as the unit was located in a non-profit housing complex, it should be given special consideration in this matter. The member disagreed and found that the landlord was subject to the same provisions of the *Tenant Protection Act* as any other landlord and that it was not a function of the Tribunal to enforce the policy of this landlord. The landlord's application was dismissed.

Tenant Application **Section 144**

The tenants applied for an order determining that the landlord had collected or retained money illegally. The tenants had paid the first month's rent and provided a last month's rent deposit and had been told by the landlord the unit would be cleaned and painted before they moved in. The tenants testified that when they went to move in, nothing had been done, and the unit was inhabitable.

The tenant signed an agreement to forfeit the first month's rent they had paid in exchange for the return of the last month's rent deposit. The tenants felt they had no choice but to sign the agreement, as they needed the money to rent another unit.

The member determined that the agreement signed by the parties was contrary to the Act and that, pursuant to subsection 2(1), the Act applies despite any agreement to the contrary. The member further determined that as the unit was uninhabitable, the landlord breached a material covenant pursuant to section 11 of the Act, which released the tenant from any obligation under the tenancy agreement. The member ordered the landlord to repay the tenants the first month's rent.

Landlord Application **Section 137**

The landlord applied for an order to vary the percentage rent reduction set out in a Notice of Rent Reduction issued by the Municipality.

A landlord who makes this type of application is required by paragraph 3 of section 28.6 of O. Reg.194/98 to file evidence of the rents charged for the residential complex. In this case, the landlord provided information about the rents charged for the residential complex by filling out the appropriate part of the application form. The member determined that this was not evidence of the rents charged pursuant to the regulation, and directed the landlord to provide the required evidence by a specific date. The landlord never responded to the direction, and the member dismissed the application.

Tenant Application **Section 144**

The tenant applied to the Tribunal for an order determining that the landlord retained money illegally.

The tenant moved out of the rental unit on September 30 and acknowledged at the hearing that he had provided insufficient notice of termination. The tenant paid the rent for September, and the landlord retained the last month's rent deposit. A new tenant moved into the rental unit on

October 1, and the foundation of the tenant's application was that as the unit was rented for October 1, the landlord had not suffered a loss, and should have returned the last month's rent deposit.

The landlord submitted that they may have suffered a loss, but provided no evidence to show this. The landlord argued that the onus was on the tenant to prove that the landlord had not suffered a loss. The member disagreed, stating that the evidence to show a loss could have easily been put forward by the landlord and inferred from the absence of any such evidence that the landlord did not suffer a loss. The member ordered the landlord to return the last month's rent deposit to the tenant.

Landlord Application **Section 138**

The landlord applied for an order for an above guideline rent increase. The original application was dismissed because the expenditures were not incurred by the landlord, but by the co-ownership corporation in which the landlord owns shares. The landlord has exclusive control over two of the 53 units in the complex and those two units were the subjects of the application.

The landlord applied for a review of the decision to dismiss the application, which was granted. The reviewing member determined that section 138 of the Act does not require that a particular person incur the costs claimed, only that costs have been incurred respecting the complex. The member found that the evidence clearly showed that there was an extraordinary increase in utility costs during the relevant period and that capital expenditures were incurred respecting the complex. The member found that dismissing the application was a serious error, and cancelled the initial order. The member ordered a rent increase of 3% above the guideline.

Landlord Application **Section 69**

The landlord applied to terminate the tenancy and evict the tenants because the tenants or someone they permitted in the residential complex interfered with other tenants' reasonable enjoyment of the complex. The tenants' son and his guests had been having frequent disruptive parties, which continued even after the application was filed.

At the hearing, the tenants admitted to one incident of partying at their rental unit, but took the position that they were not responsible for any incidents that occurred outside the rental unit. Based on evidence the landlord provided at the hearing, the found that persons the tenant permitted in the residential complex substantially interfered with other tenants' reasonable enjoyment of the complex.

The member decided it would be appropriate to consider section 84 even though the tenants had not raised the issue themselves. The member considered that the incidents had been fairly isolated, and that the tenants themselves had not been directly involved. The member also considered that the landlord had given the tenants opportunities to cure the problem before filing an application, and that the tenants had not done so. Finally, the member considered the tenants' cavalier attitude towards the rights of other tenants and their refusal to accept responsibility for the behaviour of their son and his guests in the residential complex. For these reasons, the member found that it would be unfair to refuse to grant an eviction order, but exercised his discretion to delay the eviction for a short period of time.

BIOGRAPHIES

CHAIR

Chisanga Puta-Chekwe

Chisanga Puta-Chekwe attended Sir William Borlase School in Marlow, Buckinghamshire, before studying law at the University of Birmingham in England. A Rhodes scholar, he received graduate degrees in law from the University of London, and in philosophy, politics and economics from the University of Oxford. Mr. Puta-Chekwe was a partner in the firm Lloyd, Jones and Collins in Zambia from 1980 to 1986, and litigated a number of human rights cases, some of which became landmark decisions.

From 1986 until 1989, he was vice president of Meridien International Bank in London, England. He then worked as an international development consultant, mostly with the Canadian International Development Agency in Ottawa from 1989 until 1994. In 1994, he served as adjudication officer and United Nations observer support officer monitoring the South African election, and in 1996 served as election supervisor in Bosnia and Herzegovina.

He spent six years with the Ontario Criminal Injuries Compensation Board, serving as a part-time board member from 1991 until 1994, and as chair of the Board from 1994 until 1997.

He served as executive director of Oxfam Canada between 1997 and 1998. He also served as co-chair of the Conference of Ontario Boards and Agencies (COBA 2000). Mr. Puta-Chekwe is a Solicitor of the Supreme Court (England and Wales), and an Advocate of the High Court for Zambia.

VICE CHAIRS

Charles Gascoyne

Charles Gascoyne graduated from the University of Windsor with a Bachelor of Arts degree in 1983 and a Bachelor of Laws degree in 1986. Mr. Gascoyne is a member of the board of directors of the Essex Law Association and a number of other local community groups.

Gilles Guénette

Gilles Guénette graduated from the University of Ottawa, Faculty of Law where he later lectured in civil procedure. He worked as a general practitioner for more than 30 years and also acted as ad hoc hearing counsel for the RCMP Public Complaints Commission. Mr. Guénette has recently practised as an arbitrator and mediator, and lectured in alternative dispute resolution at the Law Society of Upper Canada Bar Admission Course. Mr. Guénette was, until his appointment to the Tribunal, a member of the Advisory Committee of the Neighbourhood Coalition for Conflict Resolution, and the vice chair of Ottawa-Carleton Housing Authority. He is a former resident of L'Association des juristes d'expression française de l'Ontario.

Connie Holmes

Connie Holmes has a long history with the Ministry of the Attorney General. She has served as registrar of the Divisional Court, Southwest Region; hearings officer for Small Claims Court pre-trials; registrar for Landlord and Tenant Hearings, and counter services manager in London; court services manager in Stratford and Goderich; assistant to the regional senior judge for the Southwest Region, and special advisor to the assistant deputy attorney general. Ms. Holmes has been active in community service organizations such as Mission Services in London. She is a founding member of Teen Girls' Home, and the Brain Tumour Foundation of Canada (Gus Macher Tournament), and sits on the Advisory Committee of Collections for the London Historical Museums.

Mary Lee

Before coming to the Tribunal, Mary Lee served for three years as registrar and chief administration officer of the Criminal Injuries Compensation Board leading the Board through a complete reorganization of its administrative processes. Prior to that, Ms. Lee was extensively involved in training and staff development with the Ontario Provincial Police for over eight years. She also served in the Premier's Office, Correspondence Unit. Ms. Lee is an active member of the Society of Ontario Adjudicators and Regulators Training and Education Committee.

Beverly Moore

Beverly Moore graduated from Sir Wilfred Laurier University with a Bachelor of Arts degree. She later graduated from the law clerk program at Fanshawe College. Ms. Moore spent 12 years working in community legal clinics. Before coming to the Tribunal, Ms. Moore served as a vice chair with the Social Assistance Review Board.

Jeffrey Rogers

Jeffrey Rogers graduated with a Bachelor of Arts degree in English from the University of Toronto and with a Bachelor of Laws from the University of Windsor. After his call to the Bar he entered practice as a sole practitioner and practised extensively in the areas of civil litigation and real estate. In 1992, Mr. Rogers was appointed a deputy judge of the Toronto Small Claims Court and continued to adjudicate on all matters within the jurisdiction of that court until his appointment to the Tribunal.

ADJUDICATORS

Ashis Basu

Ashis Basu attended schools in England and India prior to obtaining his Bachelor of Science (Honours) in 1974 and Master of Business Administration (Distinction) in 1977 from Pune University in India. He started his career in the private sector in 1977 with one of the largest corporations in Kenya, becoming General Manager in 1983. He was also a Member of the Federation of Kenya Employers and was actively involved in negotiating and mediating many employment issues. In 1980, he served in Uganda as Member of the Project Team working with the World Bank and G7 countries responsible for economic and industrial reconstruction of the country after the restoration of democracy. Moving to Canada in 1988, he joined Citigroup, one of the world's largest financial services companies. He worked in various functions during his tenure, including Administration, Internal Control, Regulatory affairs, and Business and Systems Planning. Prior to his appointment to the Tribunal he managed all acquisitions and contracts of the organization in Canada.

Elizabeth Beckett

Elizabeth Beckett, a graduate of Osgoode Hall Law School, has spent much of her professional life in the teaching profession. Prior to taking up her position at the Ontario Rental Housing Tribunal she was a part-time professor of Law at Sheridan College and for the past 10 years has taught Business Law for Canadian General Accountants. Ms. Beckett brings with her experience gained as an adjudicator to the Boards of Inquiry for the Human Rights Commission.

Jim Brown

Jim Brown graduated from Ryerson Polytechnical Institute in business administration in 1965. He then graduated with a Bachelor of Arts degree from York University in 1968. That same year, he graduated from the Certified General Accountant program. In 1971 he graduated from the Master of Business Administration program at York University. In 1971 he also graduated as a registered industrial accountant. Mr. Brown spent many years at the Toronto Telegram and was one of the founders of the Toronto Sun. Mr. Brown operated his own manufacturing company for 25 years before entering public service. He has lectured at Ryerson, Seneca College and the University of Toronto. He is also a former member of the Ontario Legislature.

Elizabeth Brown

Elizabeth Brown is an Honours graduate of Humber College in Business Administration. Ms. Brown was a small business owner for a number of years before being elected first to City of Etobicoke Council in 1991 where she served two terms, and then to City of Toronto Council in 1998. Ms. Brown has served the community in many volunteer capacities for over 30 years, including library advocacy where she was a Trustee for 12 years, including four years as Chair of the Etobicoke Library Board.

Stanley Chapman

Stanley Chapman was educated in Scotland and has experience with municipal and provincial governments in a number of capacities. Prior to joining the Ontario Rental Housing Tribunal, Mr. Chapman served for seven years as an adjudicator with the Workers' Compensation Appeals Tribunal.

Robert Côté

Robert Côté is a graduate of the University of Montreal (B.Sc.A. Chemical Engineering, 1962) and the Osgoode Hall Law School (LL.B.1990). He has worked in the chemical, petrochemical and energy fields for over 25 years. Mr. Côté was called to the Ontario Bar in 1992 and has been in private practice in the Ottawa area working primarily in the Immigration and Labour law fields.

Susan Ellacott

Susan Ellacott is a resident of the Ottawa region and served in the departments of International Trade, Consumer and Corporate Affairs, Natural Resources, and the Prime Minister's Office. In addition, she completed the Executive Leadership Course at the Canadian Centre for Management Development, and received the Canada 125 Award for contributing to the community, and the federal public service Distinctive Service Award in recognition of support to the science and technology community. Ms. Ellacott graduated from Brookfield High School and received her diploma in Business Administration from Algonquin College.

Nancy Fahlgren

Nancy Fahlgren comes to the Tribunal with over 10 years experience in administering rental housing legislation. Professional highlights include: serving as acting chief rent officer under Rent Control Programs, adjudicating issues governed by previous housing legislation, and mediating landlord and tenant rental matters. Ms. Fahlgren studied science and languages at Nipissing University and the University of Toronto.

Richard Feldman

Richard Feldman holds Bachelor of Arts, Bachelor of Laws and Bachelor of Education degrees. He is the recipient of many academic honours, including the Arnold Balins Award from the University of Toronto. He received this award for his high academic standing, his demonstrated concern for others, his perseverance, and for his leadership qualities. As a lawyer, Mr. Feldman has acted on behalf of landlords and tenants in residential and commercial tenancy disputes and rent review applications. He has experience in administrative law, civil litigation and residential real estate transactions.

Harry Fine

Harry Fine graduated from the University of Toronto (B.A. Hons.) in 1977. Following graduation, he entered his family's business full time, building the organization into one of the largest family entertainment companies in Ontario, and one of the most successful bowling companies in North America. As President of Bowlerama, Mr. Fine was active in raising money for many local and provincial charities including Big Brothers, the Variety Club of Ontario and Kids Help Phone. He was elected legislative, constitutional and business development chairs for his industry's trade association over his 16 years of service. Mr. Fine was appointed to the Ontario Rental Housing Tribunal in 2001. He is also a member of the Society of Ontario Adjudicators and Regulators as well as the Council of Canadian Administrative Tribunals. In August of 2002, Mr. Fine was appointed to the Toronto Committee of the Federal Judicial Appointments Advisory Committee by the Minister of Justice, the Honourable Martin Cauchon. In his spare time, he is an active volunteer with the Ontario Disabled Sailors Association.

Robert Gleeson

Before coming to the Tribunal, Robert Gleeson was Manager of Provincial Offences Courts and Prosecutions for the City of Kawartha Lakes and the County of Haliburton. He has experience in Municipal, Provincial, Federal, civil and criminal Courts. Mr. Gleeson is bilingual and a former Police Inspector and Commanding Officer of Police Operations from the Montreal area. Upon taking an early retirement he subsequently moved to Ontario and became Chief of Municipal Law Enforcement for the City of Vanier and was a Prosecutor for Provincial Offences and By-Law enforcement matters for seven years. Upon leaving the City of Vanier, he was under contract to the Ministry of the Attorney General and assigned to the Ontario Superior Court of Justice. He is past Vice President (2002) of the Municipal Court Managers' Association of Ontario and Director of the Central East Court Managers Judicial District, a former member of the Association of Canadian Court Administrators and the Prosecutors' Association of Ontario. Mr. Gleeson is the recipient of many academic honours, including many law enforcement related diplomas and attestations from police academies in Quebec and Ontario. He is also the recipient of the Canadian Governor General's Medal and Certificate for meritorious service to law enforcement in Canada and an Outstanding Employee Award from the Attorney General of the Province of Ontario. He has been active in community service organizations such as the United Way Campaign and is a past president of an Optimist Club. An avid boater, Mr. Gleeson is also a member of the Canadian Power Squadron.

John Goodchild

John Goodchild graduated from Queen's University in 1977 with a Bachelor of Laws degree and was called to the Ontario bar in 1979. He was engaged in private practice in both Ottawa and Kingston until 1993, and later employed by the Information and Privacy Commissioner of Ontario from 1993 to 1996. Mr. Goodchild was also engaged in private practice in the United States for two years and employed by the Information Commissioner of Canada before his appointment to the Ontario Rental Housing Tribunal.

Murray Wm. Graham

Murray Wm. Graham graduated from York University in 1970 with a Bachelor of Arts degree and from Osgoode Hall Law School in 1973 with a Bachelor of Laws degree. After his call to the Bar in 1975, he practised law in the City of Toronto until 1989. From 1990 to 1998, Mr. Graham was a legal and administrative consultant to corporations in the transportation, waste management and environmental research and development industries.

David Gregory

David Gregory graduated from the University of Toronto where he received a Bachelor of Arts and Sciences degree in 1969 and a Bachelor of Laws degree in 1972. Mr. Gregory carried on a general law practice from 1974 until his appointment as a member of the Ontario Rental Housing Tribunal in 1998. Mr. Gregory has served as a deputy judge of the Small Claims Court, has actively volunteered his time on his community's Committee of Adjustment, Regional Chamber of Commerce and Economic Development Board, and is a past president of his local law association.

Knox Henry

Knox Henry was appointed as a part-time member to the Pesticides Appeal Board in 1975, which was merged with the Environmental Appeal Board in 1978. He was a part-time member until 1991 when he became full-time vice chair of the Environmental Appeal Board. Mr. Henry is one of Canada's leading horticulturalists. He has been a guest lecturer on propagation, management and environmental issues at various universities and colleges. Mr. Henry was cross-appointed as deputy mining and lands commissioner for the period 1995 to 1997 and cross-appointed as a member of the Ontario Rental Housing Tribunal in 1999.

David Hutcheon

David Hutcheon served as Vice Chair of the Environmental Review Tribunal from 1999 to 2002. He is an experienced mediator. Prior to being an adjudicator, he spent ten years in provincial and municipal government during which time he served as Deputy Mayor, Budget-Chief, and executive council member on Toronto City Council. Mr. Hutcheon was a Commissioner on the Toronto Harbour Commission and a Director of the Runnymede Chronic Care Hospital. He has long been active in his community and is presently serving as a member of the Humber Watershed Alliance. He is a recipient of the Canadian Institute of Planners' S. George Rich 1998 award. The Commemorative Medal for the 125th Anniversary of the Confederation of Canada was conferred upon Mr. Hutcheon for outstanding and significant voluntary service to the community. Mr. Hutcheon has a Master of Public Administration degree from the University of Western Ontario and an Honours Bachelor of Arts degree in History from Rutgers University, New Jersey U.S.A. He is a Henry Rutgers Scholar.

Linda Joss

Linda Joss commenced her career in the pioneer days of child care work, graduating from Thistletown Hospital in 1961. Ms. Joss spent 10 years in the child care field, supervising programmes for emotionally disturbed children, and working for the Children's Aid Society. She later joined Metro Toronto's Community Service Department as a manager of hostels. During 25 years with Community Services, Ms. Joss managed and developed programs in Metro's four major hostels, including the opening of two new large facilities. During this time Ms. Joss was a long term member and chair of the Centennial College Social Service Worker Advisory Board and an Advisory Board member participating in the creation of a new management course for social service staff at George Brown College. Ms. Joss' experience in emergency housing has offered her a depth of knowledge of housing issues and the impact of evictions.

Catherine Keleher

Catherine Keleher started with the Tribunal as a part-time Member in July, 2000, and became a full-time Member in February, 2001. Ms. Keleher served 13 years as Reeve of the Town of Palmerston. In that position, she served as a member of Wellington County Council and was elected Warden for 1994. Ms. Keleher has chaired the Town's Public Works, Administration Finance and Recreation, and Planning and Development Committees as well as the County's Administration Finance and Personnel Committee, the Wellington-Guelph Joint Social Services Committee, and has Co-Chaired the Wellington-Guelph Waste Management Master Plan Steering Committee. She has been Vice-Chair of the Wellington County Library Board and a member of the Wellington County Police Services Board and the Wellington-Dufferin-Guelph Board of Health. Her community activities include two years as Vice-Chair of the Palmerston and District Hospital Board of Governors and 10 years as a member of the Maitland Valley Conservation Authority and the Board of Family and Children's Services of Guelph and Wellington County.

Edward Lee

Edward Lee graduated from McGill University where he received his Bachelor of Science degree, as well as degrees in both civil (BCL) and common law (LLB), and has practised law in both Quebec and Ontario. He has also previously adjudicated with the Adjudication Directorate of Canada Immigration.

Sonia Light

Sonia Light graduated with distinction from McGill University in 1980 where she received her Bachelor of Arts degree in geography (urban systems). She graduated from Osgoode Hall Law School in 1983 and was called to the Ontario Bar in 1985. In 1986 and 1987 she was a solicitor in the City Solicitor's office for the City of Hamilton. In 1988 she acted as legal counsel to the then Ministry of Housing's Buildings Branch. From 1989 to 1998 she was employed by the former City of North York and the new City of Toronto as a solicitor.

Paul Lummiss

Paul Lummiss studied structural engineering at Lakehead University and graduated as a certified engineering technologist. He has in-depth experience with heavy, commercial and residential construction. Mr. Lummiss is a former member of local government and is a member of the Society of Ontario Adjudicators and Regulators.

Janice MacGuigan

R. Janice MacGuigan is a graduate of The Institute of Law Clerks of Ontario. She practiced in the real estate field for 13 years, and later spent two years as a constituency correspondent. In addition, Ms. MacGuigan has been an active volunteer in her community as Chair and Vice Chair of her local school council, a leader with Girl Guides of Canada, and has undertaken a number of community fundraising projects.

Ian MacInnis

Ian MacInnis graduated with a Bachelor of Arts degree from the University of Waterloo. He has served with the Manitoba Police Commission, the Alberta Correctional Service, the Ontario Board of Parole, and as a councillor and deputy mayor for the City of Kingston. Prior to joining the Tribunal, Mr. MacInnis was in private practice as a court agent, representing clients in Small Claims Court and out-of-court settlements. He has also been active on several community boards and committees, including the City Revenue Committee, Kingston Access Bus, Kingston Planning and Development Committee, Community Economic Advisory Committee, and the Rwandan Orphans' Relief Fundraising Committee.

Donald MacVicar

Donald MacVicar graduated from Acadia University in Wolfville, Nova Scotia with a Bachelor of Business Administration degree. He continued his education at Dalhousie University in Halifax, Nova Scotia, where he obtained his Bachelor of Laws and Master of Business Administration degrees. He was called to the bar in Nova Scotia and Ontario. From 1988 to 1998, Mr. MacVicar was in private practice in the Toronto area. Since June of 1998, he has been a full-time member of the Tribunal, in Toronto.

Steve McCutcheon

Steve McCutcheon graduated from Queen's University in 1979 with a Bachelor of Arts degree, and the University of Windsor in 1985 with a Bachelor of Laws degree. He was called to the bar of Ontario in 1987. He has practised law with Gardiner, Roberts in Toronto and later with smaller firms in Milton, Ontario. In between, Mr. McCutcheon operated his own business importing parts for British sports cars and also found time to serve with the Peel Regional Police for a short period of time.

Donna McGavin

Donna McGavin was a member of the Rent Review Hearings Board from 1987 until 1994. She became a vice chair of the Social Assistance Review Board in 1995 and remained at SARB until 1998. In June 1999, Ms. McGavin was appointed as a member of the Ontario Rental Housing Tribunal.

Dennis McKaig

Dennis McKaig is a graduate of Humber College in Toronto (Funeral Service Education, 1980) and The University of Western Ontario (Bachelor of Science, 1988). Mr. McKaig worked in funeral service in Southwestern Ontario during most of the 1980s. He has been with the Ministry of Health (Emergency Health Services) in the communications field since 1989, and has also worked on a part-time basis as a paramedic. Mr. McKaig previously has acted as a Board member and Committee Chair for Craigwood Youth Services, a children's mental health and young offender's agency. Mr. McKaig is President of London Canine Association, Inc., Canada's oldest dog club.

Alan Mervin

Alan Mervin attended York University, obtaining a Bachelor of Arts Degree in Sociology in 1971, and received a Bachelor of Laws (LL.B.) from the University of Windsor in 1974. Mr. Mervin joined the Ontario Legal Aid Plan, now Legal Aid Ontario, where he served as a staff lawyer in a number of capacities. Mr. Mervin left Legal Aid in 1980, to enter the private practice of law with a focus on Criminal Trial Practice. He has been involved for a number of years in community volunteer work where he has undertaken a number of projects.

Christina Budweth Mingay

Christina Budweth Mingay graduated from McMaster University with a Bachelor of Arts and Bachelor of Laws (LL.B.) from Queen's. Ms. Budweth Mingay was in private practice until 1991 with a focus on civil litigation. During the period 1991 to 2001, she practiced law with the Law Society of Upper Canada. She has been involved for a number of years in community volunteer work and has undertaken a number of fund-raising and other projects.

Brian Nicholson

Brian Nicholson joined the Tribunal following 15 years of public service, as Regional Councillor with the City of Oshawa and the Regional Municipality of Durham. As a Councillor, Mr. Nicholson served as chair and/or member of several committees and related organizations and has experience in managing all aspects of diversified public sector operation. Recently, as owner/chief consultant of a consulting firm, Mr. Nicholson has been involved in all aspects of policy development and governmental relations. He has been a guest lecturer in journalism and government relations at Durham College. Prior to his elected service, Mr. Nicholson spent five years as a Correctional Officer with the Ontario Ministry of Correctional Services.

Nicholas John Pustina

Nicholas John Pustina, was called to the Bar in 1957 and appointed Queen's Counsel in 1971. His practice was largely in the field of real property, estates, municipal and administrative law and, in the past five years, he has restricted his field substantially to real property. He has also been heavily involved in charitable and volunteer work in Thunder Bay. He has recently been appointed a Deputy Small Claims Court Judge and has found the work to be most rewarding.

Brian Rodenhurst

Brian Rodenhurst graduated from the University of Guelph with an Honours Bachelor of Arts degree and from the University of Windsor with a Bachelor of Laws. He was in private law practice for 20 years. Mr. Rodenhurst is the former mayor of the Town of Ingersoll, and chair of Ingersoll Police Services. He is a former member of the County Council, County of Oxford, and vice chair of administration and finance.

Pina Sauro

Pina Sauro graduated from Toronto's Ryerson University with a Bachelor of Social Work Degree and a Diploma in Human Psychology. Ms. Sauro has 17 years' experience in municipal government with the City of London. While there, Ms. Sauro held a variety of roles including policy and program development, training, communications, organizational development, financial assistance, and funding allocation. Ms. Sauro's focus has been in the field of community and social services for children, youth, families, and seniors, including social assistance, recreation and long-term care. Through her role in the allocation of provincial and municipal funding, Ms. Sauro had the opportunity to work with many community organizations to address community needs in areas such as child care, homelessness, mental health, diversity, and street youth services.

Guy Savoie

Guy Savoie has held numerous senior management positions within both the financial and business sectors for the past 17 years. Since 1990 Mr. Savoie is also a Professor at Seneca College teaching a diverse business subject portfolio within the undergraduate and post diploma business and marketing programs.

Sherry Senis

Sherry Senis has 12 years experience managing all aspects of a diversified business portfolio. As a former owner/broker of a real estate firm, she managed human resources, liability management, company structuring and business planning. As well as receiving her certificates in business administration, mortgage financing, property law and appraisal, she obtained her designation as a market value appraiser (MVA) in 1995. Recently, as a municipal councillor, Ms. Senis served as chair and/or member of several committees; director of the Social Development

Council; vice chair of the Pickering Hydro Liaison Committee; and member of the Personnel and Performance Appraisal Committee. Since the Tribunal's inception, Ms. Senis has been appointed team lead for the adjudicators dealing with operational review recommendations, and is a member of the Performance Management Committee and the Caseload Order Group Committee.

Catherine Skinner

Catherine Skinner is a graduate of the University of Toronto, Faculty of Law and the University of Winnipeg, where she received a Bachelor of Arts Honours degree in French and classics. She is a member of the Law Society of British Columbia and the Law Society of Upper Canada. Prior to joining the Ontario Rental Housing Tribunal, Ms. Skinner was legal counsel to the Ontario Assessment Review Board.

Peter Spadzinski

Peter Spadzinski was an educator for over 30 years, serving as teacher, consultant and administrator in both elementary and secondary panels. A graduate of Laurentian University and the University of Waterloo (History, Politics, French), Mr. Spadzinski has been on municipal council for 15 years, 12 as Reeve. During that time he was also member of the Parry Sound and Area Planning Board, serving as chair for three years. He has been involved in a variety of community organizations as a volunteer.

Cynthia Summers

Cynthia Summers is a graduate of McMaster University in 1988 with a Bachelor of Arts degree in Political Science, and in 1995 she received her Master's in Social Welfare Policy. Ms. Summers has extensive experience in the social service field and in working with a diverse clientele. She has worked with social assistance recipients, and mentally and physically challenged children and adults. Her experience includes representing the Ministry of Community and Social Services as a case presenting officer before the Social Assistance Review Board. Most recently, she was a professor in the School of Community Services at Sheridan College.

Julius Suraski

Julius Suraski is a practicing insurance broker with an extensive background in accounting, claims management and dispute resolution. Mr. Suraski is a graduate of the University of Toronto (Bachelor of Commerce degree in 1972), the Canadian Institute of Chartered Accountants in 1974, and York University in 1998, holding a Certificate in Dispute Resolution. He is a member of the Arbitration and Mediation Institute of Ontario. Mr. Suraski is a co-founder of the Collision Industry Standards Council of Ontario and an industry spokesperson, promoting consumer protection through the implementation of safe repair standards and ethical business practices. He has published several works including Audit Programs for Colleges and Universities (1984) and The Decline of the Auto Repair Industry in Ontario (1997). He is a frequent contributor to various insurance trade publications. Mr. Suraski is committed to community service and has contributed in excess of 4,000 hours of volunteer service at the Baycrest Centre for Geriatric Care in Toronto.

George Taylor

George Taylor is a graduate of McMaster University and Osgoode Hall Law School. He has carried on a general law practice in Barrie since 1968. Mr. Taylor has served as a Deputy Judge of the Small Claims Court, and was a member of the Legislature of Ontario from 1977 to 1985. He is also qualified as an arbitrator and mediator. In addition, Mr. Taylor has been involved for many years in community service work and numerous professional organizations.

Gerald Taylor

Gerald Taylor has many years of administrative background, having worked in the banking, automotive and information technology industries. During his career Mr. Taylor held positions of significant responsibility and decision making. He also dedicated considerable time to community activities such as Junior Achievement, United Way, Local and Ontario Chambers of Commerce and Durham Enterprise Centre for small business.

Diane Tinker

Diane L. Tinker is a graduate of McMaster University with a Bachelor of Arts degree and Queen's University at Kingston with a Bachelor of Laws degree. After her call to the bar in 1981,

she was in private practice for two years and then became in-house counsel for 14 years. Ms. Tinker has been a deputy judge in Small Claims Court in both Kitchener and Cambridge for the past six years.

Christopher Trueman

Christopher Trueman has been actively involved in both the public and private sectors. In 1994, Mr. Trueman was elected to serve as a school board trustee with the Haliburton County Board of Education. Mr. Trueman spent many years in the private sector as the owner of an equipment leasing company. In 2001, after completing studies through the University of Waterloo and Osgoode Hall Law School, he established a private practice in the field of Alternative Dispute Resolution. He is a former member of the ADR Institute of Ontario and the Association for Conflict Resolution in Washington D.C. Mr. Trueman continues to participate as an advisor and volunteer with a number of community organizations in Haliburton County.

Michael van Dusen

Michael van Dusen is a graduate of the University of Ottawa (B.A. 1982 (cum laude), LL.B. 1986). He practised with the firm of Goldberg, Shinder, Gardner & Kronick until 1997 when he joined Messrs. Burke-Robertson. He continues to carry on an active practice with particular emphasis on insurance and commercial litigation. Mr. van Dusen is directly involved in several local charities and continues to devote much of his spare time to community fundraising.
He was appointed as a part-time member of the Ontario Rental Housing Tribunal on February 1, 2001, assigned to the Eastern District Office.

Andreas von Cramon

Andreas von Cramon is a graduate of Osgoode Hall Law School. He practised law in Brockville, after his call to the Law Society of Upper Canada in 1991, until his appointment to the Ontario Rental Housing Tribunal. He is a past member of the Ontario Consent and Capacity Board.

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